

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

CASE NO.: 3:24-cv-1267

MARCO VERCH,

Plaintiff,

v.

AURUM TITLE LLC,

Defendant,

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff MARCO VERCH by and through his undersigned counsel, brings this Complaint against Defendant AURUM TITLE LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff MARCO VERCH (“Verch”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Verch’s original copyrighted Work of authorship.

2. Verch is a photographer from Cologne, Germany. He has been working as a photographer for many years and enjoys taking pictures of scenery from his travels, sporting events, food, flowers, cars, drones and more. He also takes photos for advertisements and fundraising campaigns.

3. Defendant AURUM TITLE LLC (“Aurum”) is a title service company. At all times relevant herein, Aurum owned and operated the internet website located at the URL <https://aurumtitle.com/> (the “Website”).

4. Verch alleges that Defendant copied Verch's copyrighted Work from the internet in order to advertise, market and promote its business activities. Aurum committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of its title service business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Texas.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Aurum engaged in infringement in this district, Aurum resides in this district, and Aurum is subject to personal jurisdiction in this district.

DEFENDANT

9. Aurum Title LLC is a Texas Limited Liability Company, with its principal place of business at 304 W 12th Street, Dallas, Texas, 75208, and can be served by serving its Registered Agent, Goro Law, PLLC, at 2011 N. Collins Boulevard, #711, Richardson, TX 75080.

THE COPYRIGHTED WORK AT ISSUE

10. In 2020, Verch created the photograph entitled "Small-family-house-with-judge-gavel," which is shown below and referred to herein as the "Work".



11. Verch registered the Work with the Register of Copyrights on December 28, 2020, and was assigned registration number VA 2-236-254. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Verch's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

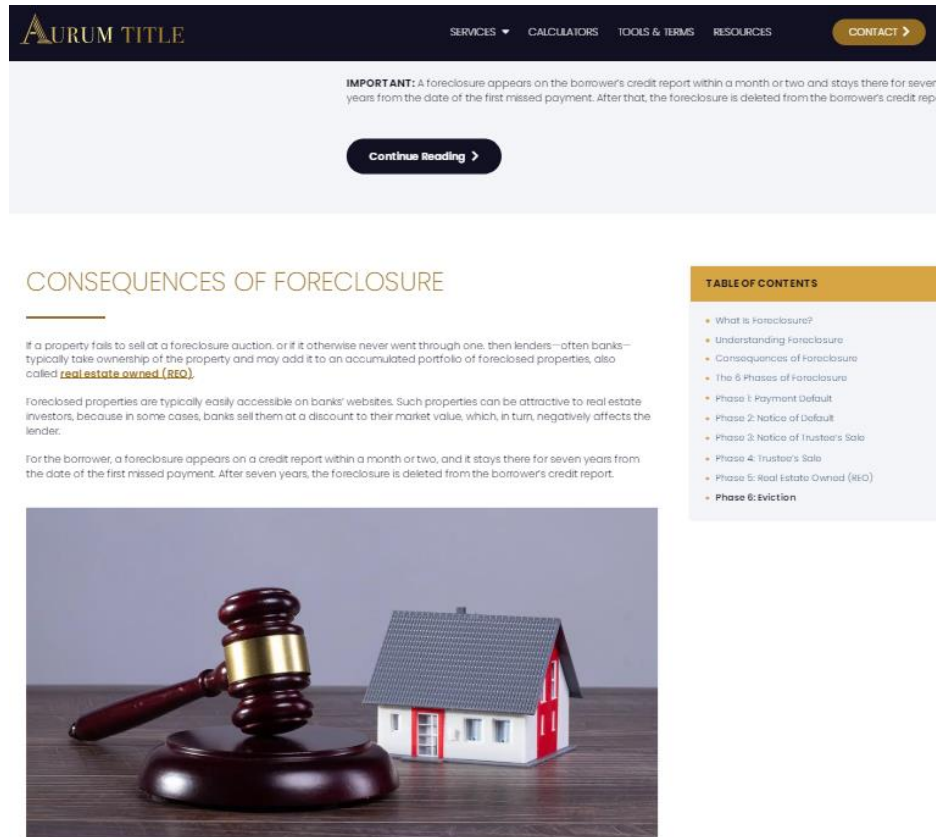
13. At all relevant times Verch was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY AURUM

14. Aurum has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Aurum copied the Work.

16. On or about July 12, 2022, Verch discovered the unauthorized use of his Work on the Website. Aurum used the Work on the Website in an article titled “Consequences of Foreclosure,” as shown in part here:



17. Aurum copied Verch’s copyrighted Work without Verch’s permission.
18. After Aurum copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its title service business activities.
19. Aurum copied and distributed Verch’s copyrighted Work in connection with Defendant’s business for purposes of advertising and promoting Defendant’s business, and in the course and scope of advertising and selling products and services.
20. Aurum committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

21. Verch never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

22. Verch notified Aurum of the allegations set forth herein on August 16, 2023, and September 5, 2023. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

23. Verch incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Verch owns a valid copyright in the Work at issue in this case.

25. Verch registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Aurum copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Verch's authorization in violation of 17 U.S.C. § 501.

27. Aurum performed the acts alleged in the course and scope of its business activities.

28. Defendant's acts were willful.

29. Verch has been damaged.

30. The harm caused to Verch has been irreparable.

WHEREFORE, the Plaintiff MARCO VERCH prays for judgment against the Defendant AURUM TITLE LLC that:

a. Aurum and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

- b. Aurum be required to pay Verch his actual damages and Defendant's profits attributable to the infringement, or, at Verch's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Verch be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Verch be awarded pre- and post-judgment interest; and
- e. Verch be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Verch hereby demands a trial by jury of all issues so triable.

DATED: March 23, 2024

Respectfully submitted,

/s/ Marian V. Quintero
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